IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 17TH AUGUST 2007 / 26TH SRAVANA 1929

WP(C).No. 19950 of 2004(Y)

PETITIONER:

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1. CHANDRAN V.P. S/O.CHATHUKUTTY NAIR, AGED 43 YEARS, HIGH SCHOOL ASSISTANT, GOVERNMENT HIGHER SECONDARY SCHOOL, MEDICAL COLLEGE CAMPUS, MEDICAL COLLEGE P.O. KOZHIKODE.

2. BALAN V.K. P.D.TEACHER, GOVERNMENT U.P.SCHOOL VENGAPPATTA, P.O.MACHANILAM, VIA.PERAMBRA 673 525.

3. JANARDHANAN.K. P.D.TEACHER, GOVERNMENT U.P.SCHOOL, VENGAPPATTA, MECHANILAM POST, PERAMBRA 673 525.

4. K.M.VELAYUDHAN, HSA(LNY.SC), GOVERNMENT HIGHER SECONDARY SCHOOL, MEDICAL COLLEGE CAMPUS, KOZHIKODE 8.

5. SURESH KUMAR.M. GOVERNMENT MODEL HIGHER SECONDARY SCHOOL, KOZHIKODE-1.

6. A.SAHADEVAN, H.S.A.(PHY.SC), GOVERNMENT GANAPATH HIGH SCHOOL FOR BOYS, CHALAPPURAM, KOZHIKODE -1.

7. DEVAKI.K. GOVERNMENT HIGHER SECONDARY SCHOOL, THIRUVALI, MALAPPURAM DISTRICT.

8. M.RAJU, GOVERNMENT HIGHER SECONDARY, MALUR, P.O.THOLAMBRA, VIA, PERAVOOR 670 673.

9. M.SADANANDAN, HEAMASTER, G.L.P.S.KOORARA, P.O.KOORARA, VIA CHEMBAD, KANNUR.

10. C.P.MOHANAN, GOVERNMENT CITY HIGH SCHOOL, KANNUR, P.O.KANNUR CITY 670 003.

11. C.MOHANAN, GOVERNMENT CITY HIGH SCHOOL,
KANNUR P.O.KANNUR CITY 670 003.

12. A.RAJAN, GOVERNMENT GIRLS HIGH SCHOOL
THALASSERY, P.O.THALASSERY, DISTRICT KANNUR.

13. BALAKRISHNA PILLAI K.P. H.S.S.T.G.H.S.S.
VATAKARA, PUTHOOR P.O. KOZHIKODE.

14. V.J.RAJAMMA, P.D.TEACHER, N.G.O.
QUARTERS GOVERNMENT HIGH SCHOOL, MARIKUNNU P.O.
KOZHIKODE DISTRICT.

15. K.NANU, H.S.A. GOVERNMENT VOCATIONAL
HIGHER SECONDARY SCHOOL, MADAPPALLY,
MADAPPALLY COLLEGE P.O. VATAKARA 673 102.

16. R.M.BHASKARAN,. H.S.A. G.V.H.S.S.
MADAPPALLY COLLEGE P.O. VATAKARA 673 102.

17. MAIMOONATH BEEBI.I. H.S.A.
GOVERNMENT HIGHER SECONDARY SCHOOL, KUTTIKATTOOR,
KUTTIKATTUR P.O. KOZHIKODE-8.

18. K.P.GHAFOOR,H.S.A. GOVERNMENT HIGHER
SECODNARY SCHOOL, VENGAD, P.O.VENGAD,
VIA,.ANJARAKANDY, KANNUR 670 612.

19. KUTTIALI.K.K. H.S.A MATHS, G.H.S.S.
FOR GIRLS, BALUSSERY, P.O. BALUSSERY,
KOZHIKODE DISTRICT 673 612.

20. KRISHNAN.T.C. H.S.A.MATHS,
G.H.S.S.FOR GIRLS-BALUSSERY, P.O.BALUSSERY,
KOZHIKODE DISTRICT 673 612.

21. V.CHOYIKKUTTY, H.S.A.MATHS,
GOVERNMENT GANAPATH HIGH SCHOOL FOR BOYS,
CHALAPPURAM, KOZHIKODE.

22. M.RAJASEKHARAN NAIR, H.S.A.MATHS,
GOVERNMENT GANAPATH HIGH SCHOOL FOR BOYS,
CHALAPPURAM, KOZHIKODE.

23. R.K.BALAKRISHNAN NAMBIAR,
H.S.A.MATHS, G.H.S.NADUVANNUR, P.O.NADUVANNUR,
KOZHIKODE DISTRICT.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA
SRI.C.P.SIVADASAN NAIR

RESPONDENTS:
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1. THE STATE OF KERALA REP. BY ITS SECRETARY TO GOVERNMENT, DEPARTMENT OF GENERAL EDUCATION, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF PUBLIC INSTRUCTION, THIRUVANANTHAPURAM.

3. THE DEPUTY DIRECTOR OF EDUCATION, KOZHIKODE.

4. THE DEPUTY DIRECTOR OF EDUCATION, MALAPPURAM.

5. THE DEPUTY DIRECTOR OF EDUCATION, KANNUR.

BY GOVERNMENT PLEADER SMT.N.SUDHA DEVI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/08/2007 ALONG WITH W.P(C) NOS.19950, 27333 & 32925 OF 2004, W.P(C) NOS.8343 AND 33630 OF 2005, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONERS' EXHIBITS

EXT.P1: TRUE COPY OF G.O(P) NO.463/68/EDN. DT.26.10.1968 ISSUED BY THE 1ST RESPONDENT.

EXT.P2: TRUE COPY OF THE RELEVANT PAGE OF APPENDIX-III OF RULE 8 OF G.O(P) NO.515/85 DTD.16.9.85.

EXT.P3: TRUE COPY OF THE RELEVANT PAGE OF ANNEX-III OF G.O(P)480/89 DATED 1.11.89, DETAILING THE RULE VIII.

EXT.P4: TRUE COPY OF THE RELEVANT PAGES OF APPENDIX-III ISSUED BY THE GOVERNMENT VIDE NOTE UNDER RULE VIII OF EXT.P3.

EXT.P5: TRUE COPY OF G.O(P) NO.81/94/(5)/Fin. DT.2.2.94 ISSUED BY THE 1ST RESPONDENT.

EXT.P6: TRUE COPY OF THE RELEVANT PAGES OF ANNEX-III OF G.O(P)3000/98 DT.25.11.98.

EXT.P7: TRUE COPY OF G.O(P) NO.1480/99/Fin. DT.17.6.99 ISSUED BY THE 1ST RESPONDENT.

EXT.P8: TRUE COPY OF G.O(P) NO.990/2000/Fin. DATED Tvm. 27.6.2000 ISSUED BY THE 1ST RESPONDENT.

EXT.P9: TRUE COPY OF THE RELEVANT PORTION OF THE AUDIT OBJECTION RAISED AGAINST THE SCALE OF PAY DISBURSED TO THE 1ST PETITIONER.

EXT.P10:TRUE COPY OF THE EXPLANATION SUBMITTED BY THE 1ST PETITIONER AGAINST EXT.P9 AUDIT OBJECTION.

EXT.P11: TRUE COPY OF THE RELEVANT PORTION OF THE REPLY ISSUED BY THE AUDIT OFFICER THROUGH THE PRINCIPAL OF GOVT. H.S.S, MEDICAL COLLEGE CAMPUS, KOZHIKODE, BEARING NO.OA-III/1/12.274/02-03/1483, TO THE IST PETITIONER.

EXT.P13:TRUE COPY OF THE OBJECTION FILED BY THE 14TH PETITIONER BEFORE THE 1ST RESPONDENT AGAINST EXT.P12 AUDIT OBJECTION.

EXT.P14:TRUE COPY OF THE G.O(P) NO.279/79/Fin. DTD. Tvm, 16.3.79 ISSUED BY THE 1ST RESPONDENT.

EXT.P15:TRUE COPY OF THE G.O(P) NO.540/94/Fin. DTD. Tvm, 30.9.94 ISSUED BY THE 1ST RESPONDENT.

EXT.P16:TRUE COPY OF THE CIRCULAR NO.35196/J2/99/G.Edn. DTD.9.8.99 ISSUED BY THE 1ST RESPONDENT.

/TRUE COPY/

P.A TO JUDGE

KURIAN JOSEPH J.

W.P.(C) Nos.19950, 27333 & 32925 of 2004 and 8343 & 33630 of 2005

Dated 17th August, 2007.

J U D G M E N T

The issue raised in these writ petitions pertains to counting of aided school service for the purpose of weightage. In view of the decision of this Court in **Rajendran v. State of Kerala** (2004(3) KLT 533), the matter requires to be considered by the Educational Officer concerned. Therefore, the writ petitions are disposed of directing the Educational Officer concerned to examine the case of the petitioners in the light of the decision referred to above, with notice to them. Orders shall be passed within a period of four months from the date of production of a copy of the judgment. The petitioners shall produce a copy of this judgment along with a copy of the judgment referred to above before the Educational Officer concerned. The interim orders passed by this Court will continue till orders are passed as above.

KURIAN JOSEPH, JUDGE.

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